



TEXAS BOARD OF NURSING

2021 ANNUAL REPORT

BOARD MEMBERS

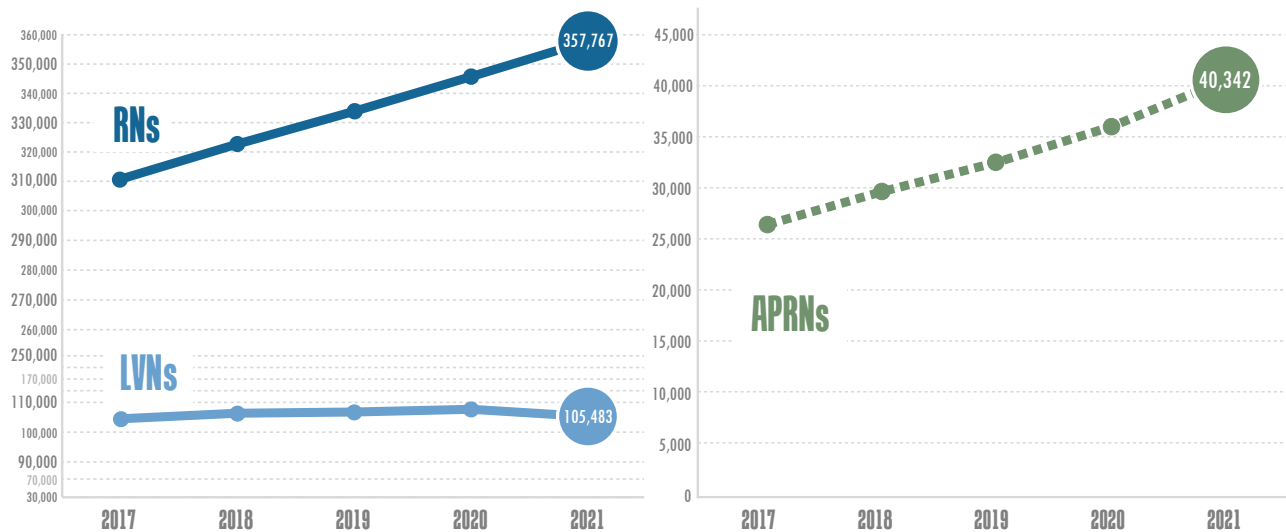
Kathy Shipp, President, MSN, RN, FNP, Representing APRN Practice, Lubbock
Allison Porter-Edwards, DrPH, MS, RN, CNE, Vice President, Representing BSN Education, Bellaire
Daryl Chambers, BBA, Consumer Member, Grand Prairie
Laura Disque, MN, RN, Representing RN Practice, Edinburg
Carol Kay Hawkins-Garcia, RN, LVN, Representing RN Practice, San Antonio
Mazie M. Jamison, BA, MA, Consumer Member, Dallas
Kenneth D. Johnson, RN, Representing LVN Education, San Angelo
Kathy Leader-Horn, LVN, Representing LVN Practice, Granbury
Tamara Rhodes, MSN, RN, Representing ADN Education, Amarillo
David Saucedo, II, Consumer Member, El Paso
Melissa D. Schat, LVN, Representing LVN Practice, Granbury
Rickey "Rick" Williams, AA, Consumer Member, Killeen
Kimberly L. "Kim" Wright, LVN, Representing LVN Practice, Big Spring

OPERATIONS

NUMBER OF RNS/LVNS/APRNS IN TEXAS: FY 2017-2021

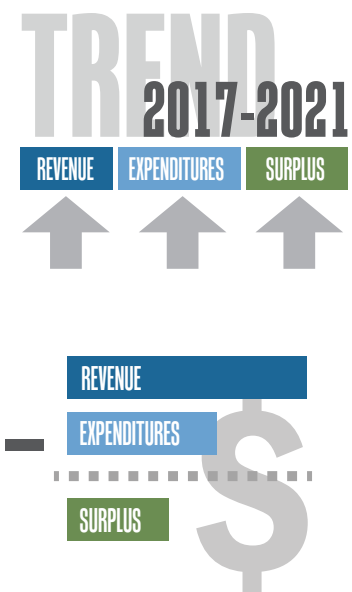
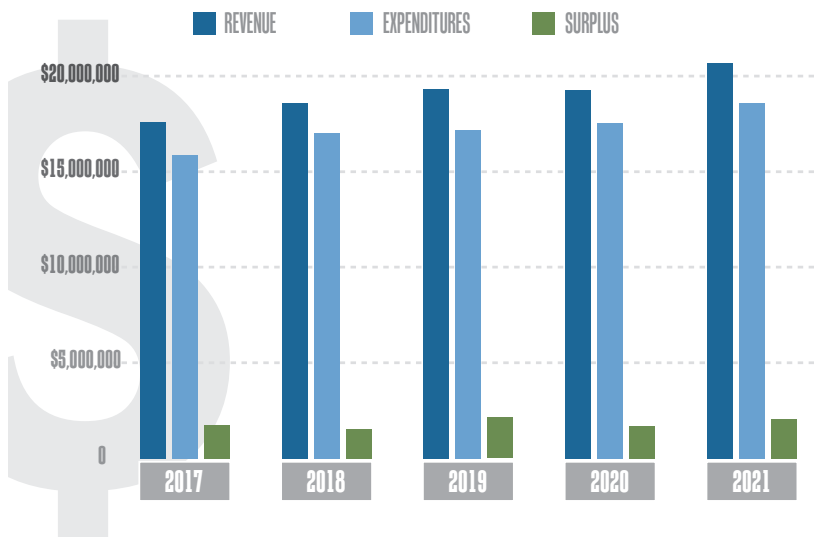
i The growth in current LVN licensure has started to decline from the past fiscal year (FY) by 1.7%. The average annual growth in RN licensure was 3.5% with growth in APRN licensure averaging 12%.

The RN population experienced growth in both licensure by examination and endorsement and the growth of APRNs continues at a steady increase over the past five years.



TEXAS BOARD OF NURSING REVENUE/ EXPENDITURES: FY 2017-2021

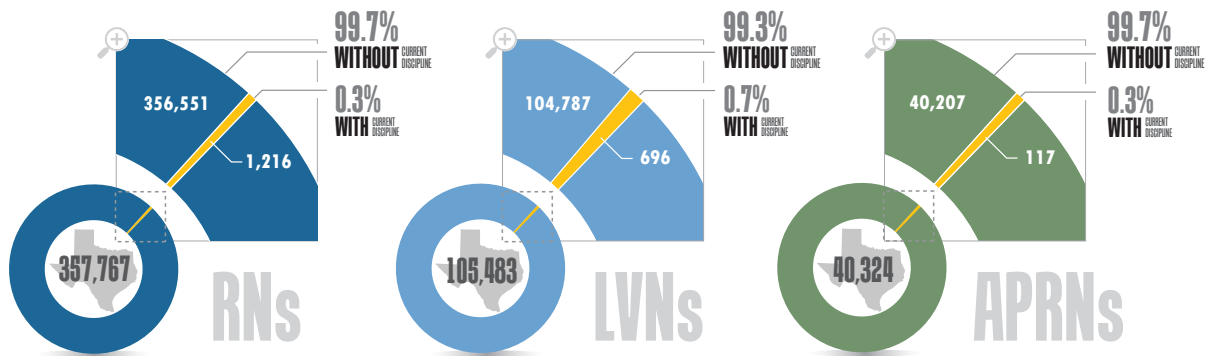
i The continued growth in licensees in Texas has resulted in higher revenue from license renewals. The BON attempts to maintain a balance of funds approved by the Texas Legislature but the sustained growth of RNs and APRNs provides additional revenue beyond projections.



ENFORCEMENT

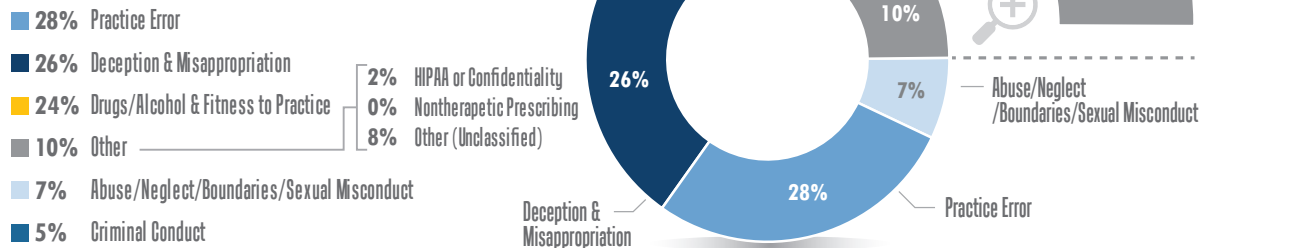
NURSES WITH CURRENT DISCIPLINE: FY 2021 PERCENTAGE OF CASES COMPARED TO TOTAL POPULATION OF LICENSEES

i Current discipline affects a very small population of nurses — only 0.3% of Registered Nurses, 0.7% of Vocational Nurses and 0.3% of Advanced Practice Registered Nurses have current discipline as of the end of FY 2021.

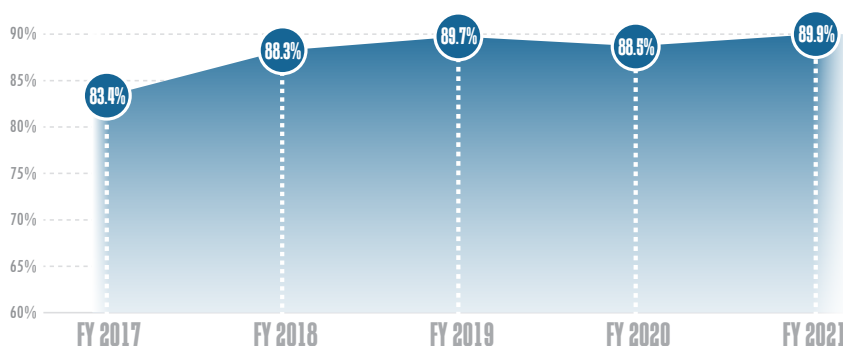


TYPES OF CASES RESULTING IN DISCIPLINE: FY 2021 PERCENTAGE OF TOTAL COMPLAINT TYPES RESULTING IN DISCIPLINE

i About half (50%) of complaints resulting in discipline included concerns about use of drugs/alcohol, fitness to practice, deception, and misappropriation, while concerns involving nursing practice issues represented 28% of the complaints.



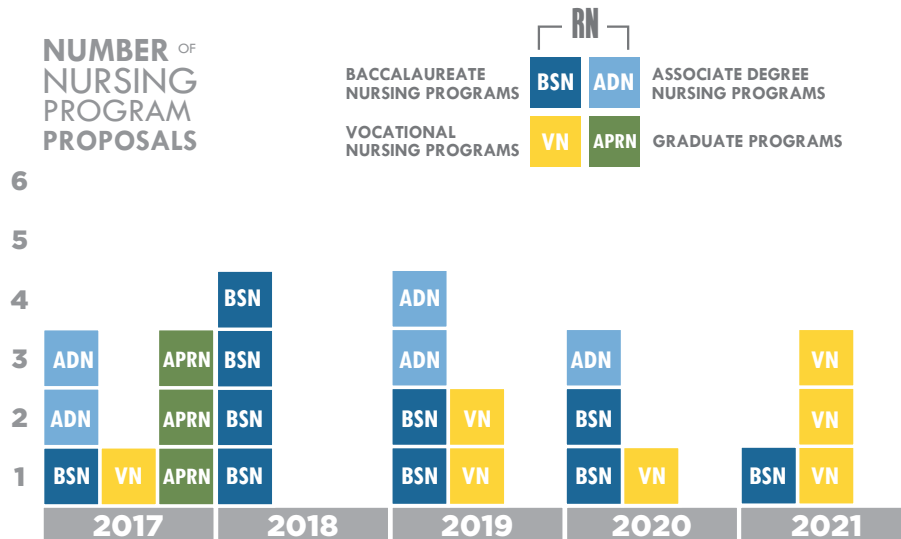
PERCENTAGE OF CASES CLOSED IN SIX MONTHS: FY 2017-2021



i The Board routinely closes 8 out of 10 cases within 6 months, and in 2021 approximately 9 out of 10 cases were closed within 6 months.

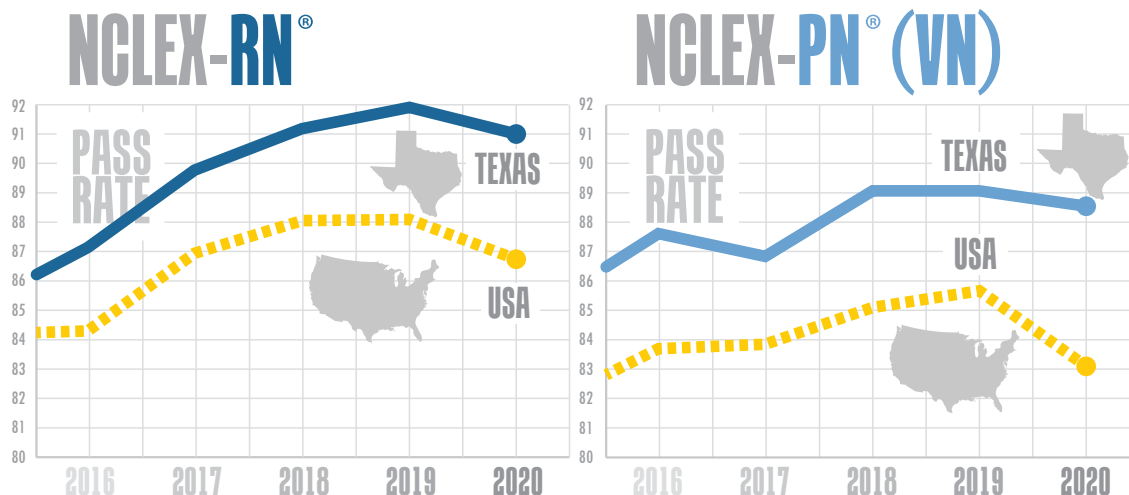
EDUCATION

NUMBER OF PROGRAM PROPOSALS REVIEWED/APPROVED: FY 2017-2021



i From 2017-2021, the BON approved 25 new nursing education programs: 10 were baccalaureate degree, 5 were associate degree, 7 were vocational certificate, and 3 were APRN.

TEXAS NURSING EDUCATION PROGRAM NCLEX® PASS RATES COMPARED TO NATIONAL PASS RATES



i The annual NCLEX-RN® and NCLEX-PN® examination pass rates of first time test-takers from registered nursing and vocational nursing programs in Texas have continued to be above the national average since 2016.

I. Agency Mission and Values of the Texas Board of Nursing

The mission of the Texas Board of Nursing (BON or Board) is to protect and promote the welfare of the people of Texas by ensuring that each person holding a license as a nurse in the State of Texas is competent to practice safely. The Board fulfills its mission through the regulation of the practice of nursing and the approval of nursing education programs. This mission, derived from the Nursing Practice Act (NPA), supersedes the interest of any individual, the nursing profession, or any special interest group.

Acting in accordance with the highest standards of ethics, accountability, efficiency, effectiveness, and openness, the Texas Board of Nursing approaches its mission with a deep sense of purpose and responsibility and affirms that the regulation of nursing is a public and private trust. The Board assumes a proactive leadership role in regulating nursing practice and nursing education. The Board serves as a catalyst for developing partnerships and promoting collaboration in addressing regulatory issues. The public and nursing community alike can be assured of a balanced and responsible approach to regulation.

II. Legal/Enforcement Highlights

Number of New Cases – Investigator Caseloads

In FY 2021, the Board opened 16,978 new complaints, which was nearly 4,000 cases more than opened in FY 2020. The increase in FY 2021 new cases was most notable in the last half of the year. During the first half of FY 2021, the Board received 7,398 new cases, compared to 9,580 new cases during the last half of the year. A significant contributor to the increase in new cases during the last half of the year is most likely related to eased restrictions during the COVID-19 pandemic with patients again seeking routine medical care and family members again being present in care settings.

Prior to FY 2019, the Board had routinely been closing more cases each year than were opened. In FY 2021, like in FY 2020 and FY 2019, the Board closed slightly fewer cases than new cases opened, likely due to vacant investigator positions and delays in obtaining records during the COVID-19 pandemic. By the end of FY 2021, average investigator caseload increased by 7% to 122.

Disciplinary Actions

There was a slight decrease in the percent of complaints resulting in discipline in FY 2021. However, the FY 2021 through FY 2018 results all represent a decline from the FY 2017 findings. This may be attributed to the Board's continuing to use a modified approach to criminal conduct subsequent to the most recent Sunset Advisory Commission review.

Informal Settlement Conferences – Mediations

The number of informal settlement conferences and mediations both increased in FY 2021 as these activities resumed in telephonic and virtual formats after being rescheduled in FY 2020. As a result, 50 informal conferences and 171 mediations took place during FY 2021.

III. Licensing Highlights

Continued Growth in Professional Nursing – Continued Decline in New Licenses for Vocational Nurses

Texas continues to have a substantial growth in the numbers of licensed Advanced Practice Registered Nurses (APRN) with newly issued licenses growing 12% from FY 2020 to FY 2021. Likewise, the total number of Registered Nurses (RNs) continues to grow from both examination and endorsement from other US jurisdictions increasing 3.5% from FY 2020 to FY 2021.

A noticeable trend from the previous fiscal years is the overall decline in the number of currently Licensed Vocational Nurses (LVNs). From FY 2020 to FY 2021 there has been a 1.7% decrease in the total number of LVNs holding a current license in Texas.

During FY 2021, Board staff continued implementation of the Texas Nurse Portal which allowed the Board to transition from a paper-based licensing system to a completely paperless system. The new Texas Nurse Portal is a confidential and secure system that allows applicants to apply online for nurse licensure by examination, endorsement, or renewal. The impact of this new system will greatly increase the efficiency of the licensing process for both constituents and staff. The agency continued to refine internal processes and update licensing software which enables staff to be more efficient. As with the entire agency, staff has embarked on a massive records retention campaign to place all previous paper applications in an electronic document system.

As staff transitioned to working from home during the pandemic, the process of receiving and processing paper documents continued to be necessary for out-of-state and international applicants due to additional requirements including review and approval of: an original Credential Evaluation Service (CES) full education course-by-course report sent directly from an approved organization for international candidates, Verification of Licensure (VOL) forms from all countries, states, provinces, and/or territories where the nurse holds or has held a license, and a completed criminal history report. This remains an issue due to the high volume of applications from both groups.

It is anticipated that the agency will be relocating in the summer of 2022 to the newly constructed George H.W. Bush State Office Building located at 1801 Congress Avenue. In preparation for the move, the agency has focused efforts on records retention to minimize the volume of paper required to be moved. As the agency continues to strive toward more paperless operations and increased reliance on electronic documentation and communication, the need for information technology expertise has increased which is likely to impact future agency budget requests.

The agency was required to reduce the budget by 5% in FY 2020, of which the agency was able to receive about 60% back in the current biennium. To meet this reduction, the agency had to delay hiring staff. This delay in hiring staff in open positions made it challenging to process applications in a timely manner. To meet this challenge, the agency created swat teams to focus on priority applications in a timely manner, process temporary licenses, and approve students to take the licensing examination. Concentrating on specific license types enabled the Board to maintain reasonable processing times for renewals and temporary licenses. The agency was able to process most applications within 10 business days but has increased to 15 business days with ongoing delays in filling open positions.

IV. Nursing Education Highlights

Guidance to Education Programs During the COVID-19 Pandemic

Throughout FY 2021, the Board's education consultants continued to work closely with education programs to foster and support creative solutions to the persistent challenges of restricted clinical learning settings. While the waivers introduced in March 2020 pertaining to education continued to permit an extension of graduate nurse permits from 75 days to six months, as well as to allow students in the final year of a program to exceed the 50% ceiling on simulated clinical learning experiences, programs have been working diligently to resume more clinical education. During FY 2021 Board staff surveyed programs, offered virtual meetings, and presented at education meetings to better understand and respond to their needs. Among the novel initiatives taken by some programs was implementing practice-academic partnerships as proposed by the 2020 Nursing Summit and NCSBN, in which nursing students assist in practice settings as paid clinical staff while they simultaneously earn academic credit to meet their clinical course objectives. Exemplars were presented by three BSN programs at the Board's October 2021 quarterly meeting. Many programs have implemented other creative curriculum changes and the Board provided guidance through [3.7.1.a Supplement Education Guideline, Proposals for Post-COVID-19 Curriculum Changes](#).

Effects of COVID on NCLEX Examination Pass Rates in Texas

The shift to online didactic instruction and virtual clinical learning activities in March 2020 has caused concerns about NCLEX® pass rates in Texas. The pass rates for 2020 may have been affected by the drastic shift in teaching for six months for professional programs and nine months for vocational programs. Board staff will monitor future pass rates and work closely with programs that are required to complete self-studies.

As programs have gradually been able to establish clinical arrangements during FY 2021, a return to faculty supervised hands-on patient care in healthcare settings is establishing a new normal for clinical learning instruction. In FY 2022, a comparison of Nursing Education Program Information Survey data for hours spent in clinical practice across several years will provide helpful information about the optimal time needed for practice in clinical settings to promote adequate preparation for entry into practice.

Through the COVID-19 experience, faculty have learned strategies for providing nursing education during a time of change and challenge. This knowledge will pave the way to a new era for educating nursing students for the future.

Next Generation NCLEX Project

The National Council of State Boards of Nursing (NCSBN) continued its research in measuring clinical judgment in nursing that began in 2012. Findings from the 2013-2014 NCSBN Practice Analysis indicated that entry level nurses are responsible for activities involving critical thinking, clinical reasoning, and clinical judgment. Though some of the current NCLEX-RN® items measure judgment to some degree, a higher level of testing is needed to ensure safe entry-level practice. A Clinical Judgment Measurement Model (CJMM) was designed based upon leading theories of decision making (information processing; intuitive/humanistic; and cognitive continuum). The CJMM depicts a nursing decision making model involving recognizing and analyzing cues, prioritizing hypotheses, generating solutions, taking action, and evaluating outcomes. As NCSBN makes progress toward an implementation date in 2023, Board Staff will continue to keep education stakeholders informed so that graduates can be adequately prepared for new exam item types.

Updates to the Differentiated Essential Competencies of Graduates of Texas Programs

A legislative mandate for the Board to develop differentiated essential competencies (DECs) that are expected of graduates of pre-licensure nursing programs has existed since 1988. Since that mandate, Texas pre-licensure nursing programs have been required to prepare graduates to achieve the state competencies. Since the initial version approved in 1993, three different versions have been developed by Board staff with input from board-appointed stakeholders (nursing educators, professional organizations; practicing nurses, state agencies and consumers). The DECs are comprised of 25 core competencies categorized under four main nursing roles: Member of the Profession, Provider of Patient-centered Care, Patient Safety Advocate, and Member of the Health Care Team. Following a 2020 Board charge to convene a workgroup to update the DECs, Board staff hosted a DECs workgroup in following November. The workgroup recommendations

informed by diverse perspectives and an extensive literature review, were approved by the Board at its January 2021 quarterly meeting. Among the significant updates include modernizing outdated concepts and practices, and adding new concepts including service excellence, self-care, spirituality, social determinants of health, workplace violence, civility and cybersecurity. Additionally, a new core competency was added related to global health and pandemics. Following approval of the updates, Board staff hosted webinars for nurse educators to provide instruction and guidance as they work to incorporate the updates into their curricula by January 1, 2022.

Baccalaureate Degree Nursing Programs in Public Junior Colleges

SB 2118 enacted during the 85th Legislature, authorized the Texas Higher Education Coordinating Board (THECB) to approve certain public junior colleges to offer baccalaureate degrees in specified fields of study, including nursing. The bill required nursing baccalaureate program proposals to meet all Board of Nursing requirements, regardless of whether the program is a pre-or-post licensure baccalaureate degree program. Board and THECB Staff have developed a proposal application process that avoids duplication, yet assures the required input of the Board's expertise specific to nursing education.

As of the end of FY 2021, 13 public junior colleges have been approved since 2018 by THECB to offer baccalaureate nursing programs.

Out-of-State Nursing Education Programs

During FY 2021, Excelsior College's associate degree nursing education program voluntarily withdrew its national nursing accreditation. As a result, graduates of this program on or after May 11, 2021 must either complete 500 clinical hours under a provisional license in their employment setting under the direct supervision of a Board approved RN preceptor, or they must complete a board approved nursing education program in Texas, to become eligible for RN licensure, consistent with Board Rule 217.2. Development of the provisional license has been and continues to be a time consuming endeavor for licensing staff.

During FY 2021, Board staff recognized a trend of an increasing number of exam and endorsement LVN and RN applications from graduates of out-of-state nursing education programs, many of which whose approval status was revoked due to low NCLEX® pass rates, or still approved by another board or nursing with extremely low NCLEX®

pass rates. Additional irregularities related to the programs and application documents submitted prompted staff to initiate a review process to ensure that these applicants were educated by a program that is substantively equivalent to programs approved in Texas. The growing number of such applications has increased the workload of both licensing and education staff, so much so that the Board is seeking external expertise to assist with this project. Board staff will continue to monitor this trend to determine if additional staff will need to be requested during the next legislative session.

V. Nursing Practice Highlights

Practice Guidance to Nurses During the COVID-19 Pandemic

Throughout FY 2021, the Board's practice team continued to monitor the practice environment and offer timely guidance and updates to nurses specific to the pandemic. This guidance was in the form of individual responses to many calls and emails from stakeholders, updates to the Board's COVID-19 webpage including practice updates and announcements, bulletin articles relevant to pandemic practice issues, and frequent postings on the agency Facebook page. The practice team also worked closely with other agencies to coordinate pandemic guidance to nurses. Specifically, practice consultants collaborated with the Texas Department for Emergency Management and the Texas Department of State Health Services to ensure school nurses were provided with a standing delegation order for COVID-19 testing.

Consultative Functions

In addition to its education outreach functions, the practice team also consulted frequently with the enforcement and legal teams on disciplinary matters related to nursing-practice violations.

Consultants assisted with case reviews, many mediations, and served as expert witnesses during virtual hearings before the State Office of Administrative Hearings. This type of consultative work is highly detailed and time-consuming. Consultants also participated in informal conference hearings and Eligibility and Discipline Committee meetings. This role grew during FY 2021 as mediations and formal hearings increased in numbers. Staff will monitor this trend to determine if the agency will need to request additional staff in the 2023 legislative session.

Education Offerings for Nurses

The practice team continued to offer nursing jurisprudence and ethics workshops virtually as well as offer a collection of online courses on additional topics including documentation, nursing peer review, APRN scope of practice, and APRN prescriptive authority throughout FY 2021. Participant feedback related to the transition from in person workshops to virtual delivery has been overwhelmingly positive. The Board launched its new online course in nursing jurisprudence in December

2020. In the next fiscal year, the practice and enforcement teams will work collaboratively to review courses approved for remedial education to ensure they meet the needs of nurses required to complete such courses.